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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/540,685

06/24/2005

Hendrik Josephus Goossens

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02/28/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

FANG, JERRY C

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/540,685 | Applicant(s) GOOSSENS, HENDRIK JOSEPHUS | |
| | Examiner Jerry Fang | Art Unit 2873 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, and 7-8 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/23/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claims 4-6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-6 not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "polymer film" in line 1 of claim 7. There is insufficient antecedent basis for this limitation in the claim. Also, claim 7 lacks open or closed language such as "consisting of" or "comprising".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowarz (US 6,844,960) in view of Yamamoto et al. (US 6,965,467).

Regarding claims 1 and 8, Kowarz discloses a substrate comprising a first surface and a second surface (Abstract). A first electrode mapped on said first surface (Abstract). A second electrode mapped on said second surface (Abstract). A deformable optical member mapped on said first electrode or on said first surface (Fig. 8b, 23b). Apply a voltage difference between said first electrode and said second electrode (Abstract). Kowarz fails to disclose said substrate being a polymer film. Yamamoto discloses a substrate made of polymer films (column 12, lines 53-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use polymer film to form a conductive substrate as taught by Yamamoto, with the optical device of Kowarz, since as shown by Yamamoto, polymer film is commonly used in order to create a conductive substrate.

Regarding claim 2, Kowarz discloses the claimed invention except for using a circular lens or a diffraction grating for said optical element. It would have been an obvious matter of design choice to use a circular lens or a diffraction grating for said optical element, since applicant has not disclosed that using a circular lens or a diffraction grating for said optical element solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a rectangular lens.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowarz (US 6,844,960) and Yamamoto et al. (US 6,965,467), as applied to claim 1 above, and further in view of Sasama (US 6,859,233).

Regarding claim 3, Kowarz fails to disclose wherein said optical element is made of silicone rubber or of cyclic olefin copolymer. Sasama discloses an optical element made of silicone rubber (column 4, lines 33-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use silicone rubber to form an optical element as taught by Sasama, with the optical device of Kowarz, since as shown by Sasama, silicone rubber is commonly used in order to form an optical element.

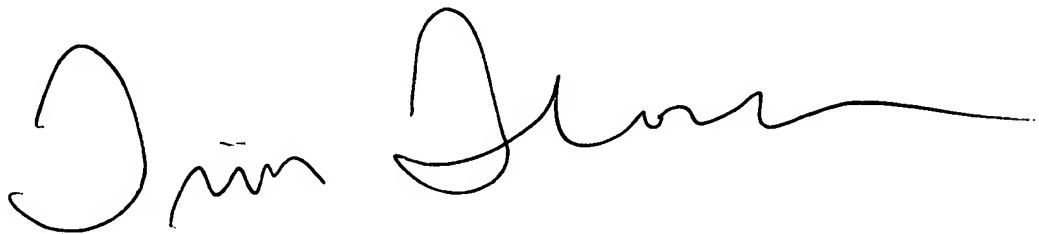
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Fang whose telephone number is 5712726013. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 5712722333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.F.

A handwritten signature in black ink, appearing to read 'Tim Thompson', with a long horizontal flourish extending to the right.

TIMOTHY THOMPSON
PRIMARY EXAMINER